

## § 329.8

specified in section 404 of the Act, within the jurisdiction of which the article or livestock is found.

### § 329.8 Authority for condemnation or seizure under other provisions of law.

The provisions of this part relating to seizure, condemnation and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the Act, or other laws.

### § 329.9 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to bribery of Program employees, receipt of gifts by Program employees, and forcible assaults on, or other interference with, Program employees while engaged in, or on account of, the performance of their official duties under the Act.

## PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Sec.

331.1 Definition of “State.”

331.2 Designation of States under paragraph 301(c) of the Act.

331.3 States designated under paragraph 301(c) of the Act; application of regulations.

331.4 Control and disposal of non-federally-inspected products in States designated under paragraph 301(c) of the Act.

331.5 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of products; application of regulations.

331.6 Designation of States under section 205 of the Act; application of sections of the Act and the regulations.

AUTHORITY: 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

SOURCE: 35 FR 19667, Dec. 29, 1970, unless otherwise noted.

### § 331.1 Definition of “State”.

For purposes of this part, the term “State” means any State (including

## 9 CFR Ch. III (1–12 Edition)

the Commonwealth of Puerto Rico) or organized Territory.

### § 331.2 Designation of States under paragraph 301(c) of the Act.

Each of the following States has been designated, under paragraph 301(c) of the Act, as a State in which the provisions of Titles I and IV of the Act shall apply to operations and transactions wholly within such State. The Federal provisions apply, effective on the dates shown below:

State	Effective date of application of Federal provisions
Alaska .....	July 31, 1999.
Arkansas .....	June 1, 1981.
California .....	Apr. 1, 1976.
Colorado .....	July 1, 1975.
Connecticut .....	Oct. 1, 1975.
Florida .....	Dec. 2, 1997.
Guam .....	Jan. 21, 1972.
Hawaii .....	Nov. 1, 1995.
Idaho .....	July 1, 1981.
Kentucky .....	Jan. 14, 1972.
Maryland .....	Mar. 31, 1991.
Massachusetts .....	Jan. 12, 1976.
Michigan .....	Oct. 3, 1981.
Nebraska .....	Oct. 1, 1971.
Nevada .....	July 1, 1973.
New Hampshire .....	Aug. 6, 1978.
New Jersey .....	July 1, 1975.
New Mexico .....	Aug. 13, 2007.
New York .....	July 16, 1975.
Northern Mariana Islands .....	Oct. 29, 1979.
Oregon .....	July 1, 1972.
Pennsylvania .....	July 17, 1972.
Puerto Rico .....	June 18, 1971.
Rhode Island .....	Oct. 1, 1981.
Tennessee .....	Oct. 1, 1975.
Virgin Islands of the U.S. ....	Nov. 27, 1971.
Washington .....	June 1, 1973.

[35 FR 19667, Dec. 29, 1970]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 331.2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

### § 331.3 States designated under paragraph 301(c) of the Act; application of regulations.

The provisions of the regulations in this subchapter apply to operations and transactions wholly within each State designated in § 331.2 under paragraph 301(c) of the Act, except as otherwise provided in this section. (The provisions of the regulations apply in all respects to operations and transactions in or for commerce.)

(a) Each establishment located in such a designated State shall be granted inspection required under

§ 302.1(a)(2) of this subchapter only if it is found, upon a combined evaluation of its premises, facilities, and operating procedures, to be capable of producing products that are not adulterated or misbranded.

(b) Section 305.2 of this subchapter will apply to establishments required to have inspection under § 302.1(a)(2) of this subchapter, except that existing interconnections between official and unofficial establishments will be permitted if it is determined in specific cases that the interconnections are such that transfer of inedible product into the official establishment would be difficult or unusual, and any such transfers are strictly prohibited, except as permitted under other provisions of this subchapter. It is essential that separation of facilities be maintained to the extent necessary to assure that inedible product does not enter the official establishment contrary to the regulations in this subchapter.

(c) Sections 416.2(c), (d), (e), (f), and (h) of this chapter shall apply to such establishments.

(d) Section 314.2 of this subchapter shall apply to such establishments, except that a separate room or compartment need not be provided for inedible products if they can be handled so that they do not create insanitary conditions in any room or compartment used for edible products or otherwise render any edible products adulterated and do not interfere with the conduct of inspection. For example, intestines, paunch contents, feet, and hides might be accumulated on the kill floor in clean, watertight drums with close fitting covers if there is sufficient space to store them out of the way until the close of the day's operation.

(e) Sections 316.7, 317.3, and 317.4 of this subchapter shall apply to such establishments, except as provided in this paragraph (e).

(1) The operator of each such establishment shall, prior to the inauguration of inspection, identify all labeling and marking devices in use, or proposed for use (upon the date of inauguration of inspection) to the circuit supervisor of the circuit in which the establishment is located. Temporary approval, pending formal approval under §§ 316.7, 317.3, and 317.4 of this

subchapter, will be granted by the circuit supervisor for labeling and marking devices that he determines are neither false nor misleading, provided the official inspection legend bearing the official establishment number is applied to the principal display panel of each label, either by a mechanical printing device or a self-destructive pressure sensitive sticker, and provided the label shows the true product name, an accurate ingredient statement, the name and address of the manufacturer, packer, or distributor, and any other features required by paragraph 1(n) of the Act.

(2) The circuit supervisor will forward one copy of each item of labeling and a description of each marking device for which he has granted temporary approval to the Washington, DC, office of the Labeling and Packaging Staff and will retain one copy in a temporary approval file for the establishment.

(3) The operator of the official establishment shall promptly forward a copy of each item of labeling and a description of each marking device for which temporary approval has been granted by the circuit supervisor (showing any modifications required by the circuit supervisor) to the Labels and Packaging Staff, Meat and Poultry Inspection, Food Safety and Inspection Service, USDA, Washington, DC 20250, accompanied by the formula and details of preparation and packaging for each product. Within 90 days after inauguration of inspection, all labeling material and marking devices temporarily approved by the circuit supervisor must receive approval as required by §§ 316.7, 317.3, and 317.4, of this subchapter or their use must be discontinued.

(4) The circuit supervisor will also review all shipping containers to insure that they do not have any false or misleading labeling and are otherwise not misbranded. Modifications of unacceptable information on labeling material by the use of self-destructive pressure sensitive tape or by blocking out with an ink stamp will be authorized on a temporary basis to permit the maximum allowable use of all labeling materials on hand. All unacceptable labeling material which is not modified to comply with the requirements of this

#### § 331.4

#### 9 CFR Ch. III (1–12 Edition)

subchapter must be destroyed or removed from the official establishment.

(f) Sections 320.1, 320.2, 320.3, 320.4, 320.5, 325.20, and 325.21 apply to operations and transactions not in or for commerce in a State designated under paragraph 301(c) only if the State is also designated under section 205 of the Act and if such provisions are applicable as shown in § 331.6.

(g) Section 321.1(a) of this subchapter will not apply to States designated under paragraph 301(c) of the Act.

(h) Parts 322 and 327 and § 325.3 of this subchapter relating to exports and imports do not apply to operations and transactions solely in or for intrastate commerce.

(i) Part 325 of this subchapter will apply to establishments required to have inspection under § 302.1(a)(2) of this subchapter and to operations and transactions solely in or for intrastate commerce, except as provided in paragraphs (h) and (j) of this section.

(j) Sections 325.4, 325.15, and 325.1(b) of this subchapter will not apply to require a certificate, or evidence thereof, for the distribution solely within any designated State of products that are U.S. inspected and passed and so marked.

[35 FR 19667, Dec. 29, 1970, as amended at 36 FR 12004, June 24, 1971; 41 FR 18089, Apr. 30, 1976; 62 FR 45026, Aug. 25, 1997; 64 FR 56416, Oct. 20, 1999]

#### **§ 331.4 Control and disposal of non-federally-inspected products in States designated under paragraph 301(c) of the Act.**

Upon the effective date of designation of a State under paragraph 301(c) of the Act, no products can be prepared within the State unless they are prepared under inspection pursuant to the regulations in this subchapter or are exempted from the requirement of inspection under § 303.1 of this subchapter, and no unexempted products which were prepared without any inspection can lawfully be distributed within the State. For a period of 90 days from the effective date of such designation, products which were prepared and inspected and passed under the supervision of a responsible State or local inspection agency can be distributed solely within the State, pro-

vided they are not adulterated or misbranded, except that the official inspection legend is not required. Within the 90-day period, products that have been inspected by the State or local inspection agency may be further prepared and otherwise handled in official establishments required to have inspection under § 302.1(a)(2) of this subchapter or at establishments exempted from the requirements of such inspection under § 303.1 of this subchapter, and may be distributed as provided in this section but otherwise shall be handled in accordance with § 305.4 of this subchapter. Such products shall not bear any [Federal] official inspection legends. After said 90-day period, only federally inspected and passed products may be distributed within the designated State, except as provided in § 303.1 of this subchapter.

#### **§ 331.5 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of products; application of regulations.**

(a) An establishment preparing products solely for distribution within any State shall be designated as one producing adulterated products which would clearly endanger the public health, if:

(1) Any meat or meat food product prepared at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is “unsafe” within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to radiation in a manner not permitted under section 409 of said Act; or if it bears or contains any other added poisonous or added deleterious substance which may render it injurious to health or make it unfit for human food; or

(ii) It consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, or unwholesome or otherwise unfit for human food (for example, it was prepared from meat or other ingredients exhibiting spoilage characteristics; or it is, or was prepared from, a carcass affected with a